THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 10-43

File No. DSP-86003/01

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 1, 2010, regarding Detailed Site Plan DSP-86003/01 for Laurel Center One Shopping Center, the Planning Board finds:

1. **Request:** The subject application requests the removal of Conditions 1 and 2 of the approval of Detailed Site Plan DSP-86003 for a retail commercial use in the Commercial Shopping Center (C-S-C) Zone. More particularly, the request seeks to remove Condition 1 which states: "The uses shall be limited to uses in the low parking generation group as identified under Part 11, Parking" and Condition 2 which states "No store shall combine to a size greater than 2,000 square feet."

2. **Development Data Summary**

	EXISTING	**APPROVED**
Zone	C-S-C	C-S-C
Use(s)	Commercial Retail	Commercial Retail
Acreage	.8324	.8324
Lots	5	5
Building Square Footage/GFA	10,108	10,108

OTHER DEVELOPMENT DATA

	REQUIRED	**APPROVED**
Total parking spaces	25	32
of which handicapped spaces	1	3
Standard spaces (9.5' x 19')	17-25	25
Compact spaces (8.0' x 16.5')	(allowed-up to 1/3 or 8)	7
Loading spaces	1	1

3. **Location:** The site is in Planning Area 62, Council District 1. More specifically, it is located in the northeastern quadrant of the intersection of US 1 and Cypress Street.

4. **Surroundings and Use:** The subject property is bounded to the north by single-family detached residential development; to the west by single-family detached residential development; to the east

by US 1 with commercial retail development beyond; and to the south by Cypress Street with commercial retail development beyond.

5. **Previous Approvals:** The site is subject to the approval of Detailed Site Plan DSP-86003, approved by the Prince George's County Planning Board on March 6, 1986 and formalized by PGCPB Resolution No. 86-68. The site is also the subject of the requirements of Detailed Site Plan DSP-86118, approved by the designee of the Prince George's County Planning Board on January 28, 1987.

6. **Design Features**: The existing center is accessed by two existing driveways, one on US 1 and one on Cypress Street. Both access points lead into the 32-space parking lot, which sits directly in front of the six unit shopping center. The square footage of the six units (A-F) and the parking requirements for each may be calculated as follows:

Tenant	Square Feet	Parking Rate	Use	Required Parking
A	1,425	*	Vacant	*
B	2,158	1/500	Bedding Store	4.316 or 5
C	1,246	1/500	Sign Store	2.492 or 3
D	1,702	*	Vacant	*
E	1,702	1/150	Hair Salon	11.346 or 12
F	1,702	1/500	Carry Out Pizza	3.404 or 4
			Required	24
			Less 20 percent	20

To be determined when a tenant is identified.

As shown above, the parking calculations are subject to a 20 percent reduction allowance permitted by Section 27-572(a) of the Zoning Ordinance, reducing the required parking to 20 spaces. This requirement is for the currently occupied units only. The applicant should be aware, however, the parking schedule of Part 11 of the Zoning Ordinance applies to this case and depending on the nature of the uses to be instituted in the center in the future, either in the vacant units or replacing an existing use, should the required parking calculated exceed that provided, the applicant would have to seek a Departure from Parking and Loading standards under Section 27-588 of the Zoning Ordinance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the approval of DSP-86003 and DSP-86118:** Detailed Site Plan DSP-86003 was approved by the Prince George's County Planning Board, subject to three conditions, on March 6, 1986 and its approval was formalized by PGCPB Resolution No. 86-68. The site is also the subject of Detailed Site Plan DSP-86118, approved by the designee of the Prince George's County Planning Board on January 28, 1987. Approvals by the Planning Board's designee are not formalized in resolutions or subject to conditions of approval.

Each requirement of the approval of DSP-86003 below in **bold face** type and followed it with staff comment:

1. **The uses shall be limited to uses in the low parking generation group as identified under Part 11, Parking.**

In Section 27-568 of the Zoning Ordinance, Minimum Requirements; Schedule (number of spaces required), generally, the "Low Parking Generation Group" is described as consisting of: furniture stores; carpeting and floor covering stores; retail upholstery shops; sporting goods, which may include marine equipment and supplies; vehicle, trailer, mobile home, and boat sales (indoor); office supply and business machine sales; similar uses which, because of their large areas of display space generate relatively small demands for parking space. The number of spaces required for the Low Parking Generation Group as expressed in the above mentioned schedule, is one space per 500 square feet of gross floor area. There were a limited number of parking spaces available on the site. The operator of a beauty salon is seeking to establish his business on the site. A beauty salon, according to the same schedule falls within the "Normal Parking Generation Group," which is described as consisting of: retail sales and service establishments that generate an average parking demand, and include all such uses that are not listed below (under Low Parking Generation Group, or in the remainder to the Schedule). Since beauty salon is not a listed use under "Low Parking Generation Group" or in the remainder of the Schedule, the Normal Parking Generation Group ratio of 1 space per 150 square feet of gross floor area governs.

2. **No store shall combine to a size greater than 2,000 feet.**

Approximately 34 of the land uses specified in Section 27-568 of the Zoning Ordinance (Minimum Requirements, a schedule of the number of parking and spaces required) are based on square footage of the land use. Of those requirements, some require a greater parking ratio for the first specified number of square feet and require a lesser ratio for parking above that specified number of square feet. A possible rationale for a requirement of this type could be that all commercial uses must have space for retail sales and/or office space and those of greater square footage often have more storage and/or display areas, which generate trips at a lower rate. The applicant's request to allow stores that are greater than 2,000 square feet might, then, reduce the required parking. However, in staff's analysis, this reduction would be warranted by the decreasing need for the higher rate of parking with the increase in store size. Additionally, the requirement for a loading space for commercial retail use is set in the schedule at one space for 2,000 square feet or greater of a single-commercial retail use. It would appear that the condition limiting a single-store size sought to eliminate the need for a loading space. However, the plan was revised to add a loading space when the furniture store became a tenant, so the goal of avoiding a loading requirement is not longer valid or necessary. For both reasons, the Planning Board is supportive of the applicant's request to eliminate the requirement that any given store in the shopping center measure no greater than 2,000 square feet.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C Zone and Design Guidelines of the Zoning Ordinance.

   a. The subject application is in conformance with the requirements of Section 27-461, which governs permitted uses in commercial zones. The subject commercial retail center is a permitted use in the C-S-C Zone.

   b. The proposal is also in conformance with the requirements of Section 27-462 Regulations, regarding additional regulations for development in commercial zones.

8. ***Prince George's County Landscape Manual:*** The current application does not affect previous findings regarding conformance to the requirements of the *Prince George's County Landscape Manual.*

9. **Woodland Conservation and Tree Preservation Ordinance:** The current application does not affect previous findings regarding conformance to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

10. **Referral Agencies and Divisions:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

    a. The Permit Review comments have either been addressed by revisions to the plans or in conditions of this approval.

    b. **The State Highway Administration (SHA)**— In an e-mail dated March 11, 2010, SHA stated that their Engineering Access Permits Division permitted an entrance to US 1 from the subject site on May 29, 1986 and that an addendum to the permit was incorporated on October 29, 1986 to allow the entrance. Therefore, SHA stated that they would not require closure or removal of the entrance as part of the subject application.

11. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-86003/01, subject to the following conditions:

1. Condition 1 and 2 of Detailed Site Plan DSP-86003 as expressed in PGCPB Resolution No. 06-68 are hereby eliminated.

2. Prior to certificate approval of this detailed site plan, the applicant shall:

a. Revise the parking schedule calculating the parking requirement for each existing tenant utilizing the required parking ratios stipulated in Section 27-568 "Schedule (Number) of Spaces Required, Generally" of the Zoning Ordinance, and including the number of regular, compact, and required handicapped spaces. Calculations shall be performed rounding up for each unit when arriving at a non-whole number requirement, calculating the 20 percent reduction for shared parking pursuant to Section 27-572 of the Zoning Ordinance, then rounding up for the center as a whole if the sum for all units is a non-whole number.

b. A loading schedule shall be provided for the detailed site plan calculating the loading requirement for each tenant utilizing the required loading ratios stipulated in Section 27-582 "Schedule (Number) of Spaces Required, Generally" of the Zoning Ordinance.

3. Prior to the issuance of each new use and occupancy certificate for the center, the parking and loading schedules shall be updated and the applicant shall demonstrate compliance with the requirements of Part 11.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 1, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of April 2010.

Patricia Colihan Barney
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department

Date 4/6/10